

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

Angelena Raiford,

Plaintiff,

v.

Olympia School District No. 111,

**Defendant.**

Case No. 3:23-cv-05661-TLF

**ORDER ON OLYMPIA SCHOOL  
DISTRICT NO. 111'S MOTION TO  
PRECLUDE PLAINTIFF FROM  
RELITIGATING FACTS**

Before the Court is the Defendant's motion for the Court to consider certain

findings of fact made by the state administrative tribunal should be given preclusive

effect. Olympia School District No. 111 ("OSD") asks the Court to give preclusive effect

## **to the Findings of Fact and Credibility Determinations in the February 16, 2024,**

## **Findings Of Fact, Conclusions Of Law, And Final Order by Administrative Law Judge**

(“ALJ”) Courtney Beebe in Ms. Raiford’s Due Process hearing. Dkt. 28.

Plaintiff Angelena Raiford names OSD as the sole defendant. Her mother, My

Lea Holloway was dismissed as a Plaintiff by the Court on December 9, 2024. Dkt. 41.

The complaint alleges that OSD violated the Individuals with Disabilities

20 Education Act (“IDEA”) by denying Ms. Raiford a free, appropriate public education; she  
21 asserts OSD failed to provide Ms. Raiford with instruction in reading and writing in  
22 Braille, failed to adequately implement orientation and mobility services, and failed to  
23 provide Ms. Raiford with adequate counseling/mental health/psychological services.

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RELITIGATING FACTS - 1**

1 Dkt. 1 at ¶40-49. Ms. Raiford also alleges, under 42 U.S.C. §1983, and to the extent  
2 that certain federal statutes have a private right of action, or the statutes allow Plaintiff  
3 to sue directly under the statute, that OSD failed to reasonably accommodate her and  
4 discriminated against her on the basis of her disabilities in violation of the Americans  
5 with Disability Act (“ADA”), Section 504 of the Rehabilitation Act, Fourteenth  
6 Amendment of the Constitution and Title VI of the Civil Rights Act. *Id.* ¶50-69.

7 Having considered the pending motion and all materials filed in support and in  
8 opposition (Dkt. 32), as well as the rest of the record, the Court denies OSD’s motion.  
9 OSD seems to be requesting a protective order, yet there is no evidence that OSD has  
10 received discovery requests for which it has made appropriate objections. Nor does it  
11 appear OSD is making a motion to compel — there is no reference to propounded,  
12 unanswered interrogatories, or Requests for Admission, under Fed. R. Civ. P. 36,  
13 asking Plaintiff to admit the preclusive effect of facts determined during the  
14 administrative adjudication “for purposes of the pending action only, the truth of any  
15 matters within the scope of Rule 26(b)(1) relating to: (A) facts, the application of law to  
16 fact, or opinions about either; . . .”

17 The Defendant apparently is moving the Court to apply collateral estoppel to all  
18 factual issues decided by an ALJ presiding over an administrative hearing for the  
19 Washington State Office of Administrative Hearings, on behalf of the Office of the  
20 Superintendent of Public Instruction, without the context of a discovery motion, or  
21 motion for summary judgment, or a motion in limine in preparation for trial.

22 Even if the Court were inclined to review collateral estoppel in the abstract, the  
23 Defendant has not fully addressed each of the three criteria required for this Court to  
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1 evaluate whether the state agency has conducted its administrative proceeding "with  
2 sufficient safeguards to be equated with a state court judgment." *Jamgotchian v.*  
3 *Ferraro*, 93 F.4<sup>th</sup> 1150, 1154 (9<sup>th</sup> Cir. 2024) (quoting *Plaine v. McCabe*, 797 F.2d 713,  
4 719 (9<sup>th</sup> Cir. 1986). The United States Court of Appeals for the Ninth Circuit has held  
5 that federal courts should not give preclusive effect if a state administrative agency  
6 lacks jurisdiction to consider particular claims. *Id.* On the existing record, the Court lacks  
7 sufficient information to assess the adequacy of the administrative review process; for  
8 example, the record provided by Defendant is only an ALJ decision, with no transcripts  
9 or other administrative records of the ALJ hearing. Dkt. 29 at Exhibit A. The Plaintiff  
10 asserts in a declaration of Ms. Holloway, that the ALJ acknowledged there was no  
11 jurisdiction to decide anything except the IDEA claim. Dkt. 34, Declaration of Mylea  
12 Holloway, at 2-3.

13 Therefore, the Defendant's motion is denied without prejudice because the Court  
14 does not have enough information to decide whether collateral estoppel would apply to  
15 any specific claim, and because the motion is made in the abstract and therefore does  
16 not comply with Fed. R. Civ. P. 26(c), or Fed. R. Civ. P. 56(c)(1).

#### 17 FACTUAL BACKGROUND

18 The parties agree (Dkt. 28, Defendant's motion, Dkt. 32, Plaintiff's response) that  
19 on January 4, 2021, Ms. Raiford and Ms. Holloway requested an administrative Due  
20 Process hearing concerning harm that Plaintiff alleged was caused by acts and  
21 omissions of OSD and alleged violations of the IDEA. The Plaintiff asserts the  
22 administrative hearing was requested by Ms. Raiford and Ms. Holloway to address

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RELITIGATING FACTS - 3

1 whether the OSD “failed to offer Raiford an IEP that adequately considered her specific  
2 situation and needs”. Dkt. 32 at 2.

3 Plaintiff states the ALJ did not make any findings of fact or conclusions of law on  
4 claims under the Rehabilitation Act Section 504, the Americans with Disabilities Act, or  
5 civil rights violations, because those claims were outside the jurisdiction of the  
6 administrative tribunal. Dkt. 34, Declaration of Mylea Holloway, at 2-3. Plaintiff also  
7 asserts: “Raiford faced numerous procedural obstacles, including delays due to over 40  
8 pre-hearing conferences, changes in presiding judges, and the last minute withdrawal of  
9 Raiford’s attorney after the hearing began. Moreover, Raiford turned eighteen years old  
10 during the process which led to Holloway being removed as a party, requiring Raiford,  
11 with her severe disabilities, navigate the complex process without adequate  
12 representation.” Dkt. 32 at 3, citing Dkt. 34, Holloway Decl.

13 The Washington State Office of Administrative Hearings, on behalf of the Office  
14 of the Superintendent of Public Instruction, held a hearing on May 30, May 31, June 1,  
15 June 27, June 28, June 29, November 16, and November 17, 2023. Dkt. 29, Ex. A. The  
16 ALJ’s 55-page order was issued on February 16, 2024. See Dkt. 29 at Exhibit A. The  
17 order included 86 Findings of Fact (*Id.* at 1-34) and 29 Credibility Findings (*Id.* at 34-41).  
18 The ALJ found in favor of OSD on the IDEA issues raised by Ms. Raiford and denied  
19 Ms. Raiford’s requests for relief. *Id.* at 59.

20 The ALJ determined that the period at issue in the administrative hearing was  
21 January 4, 2019 through June 6, 2019. Dkt. 29, Ex. A, at 38. The ALJ explained that  
22 “OAH has jurisdiction over the parties and subject matter of this action for the  
23 Superintendent of Public instruction as authorized by 20 United States Code (USC) §

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RELITIGATING FACTS - 4

1 1400 et seq., the IDEA, Chapter 28A.155 Revised code of Washington (RCW), Chapter  
2 34.05 RCW, Chapter 34.12 RCW, and the regulations promulgated thereunder,  
3 including 34 Code of Federal regulations (CFR) Part 300, and Chapter 392-172A  
4 Washington Administrative Code (WAC)." Dkt. 29, Ex. A, at 41.

5 DISCUSSION

6 OSD argues Ms. Raiford should be prohibited from relitigating the ALJ's Findings  
7 of Fact #1-86 and Credibility Findings #1-29 in the Due Process hearing<sup>1</sup>. It maintains  
8 the doctrine of collateral estoppel applies, and this Court should give the state agency's  
9 decision preclusive effect on the factual issues it addressed in the IDEA order.

10 Ms. Raiford, in response, argues that because the ALJ and the Office of the  
11 Superintendent of Public Instruction did not have jurisdiction to decide some claims she  
12 now raises in her Complaint (i.e., 42 U.S.C. § 1983, Fourteenth Amendment, Title XI,  
13 Rehabilitation Act, and ADA), she should not be precluded from litigating the facts  
14 related to those claims in this Court. Dkt. 32 at 10. She also asserts that she confronted  
15 procedural hurdles and inadequate representation in the administrative hearing process.  
16 Dkt. 32 at 3. And she asserts that because the administrative action for the claims under  
17 the IDEA was statutorily required for exhaustion of remedies before filing a federal court  
18 action under the IDEA, and the only relief available at the administrative level is for the  
19 substantive right to a free appropriate public education, there is no preclusive effect with  
20 respect to the federal court litigation. Dkt. 32 at 11-12.

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<sup>1</sup> Given the length of these findings, the Court will not recite them in this order, and instead refers to the  
ALJ's order.

1 To decide whether a state agency decision will have preclusive effect, the  
2 threshold inquiry is whether the state agency has conducted its administrative  
3 proceeding “with sufficient safeguards to be equated with a state court judgment.”  
4 *Jamgotchian v. Ferraro*, 93 F.4<sup>th</sup> 1150, 1154 (9<sup>th</sup> Cir. 2024) (quoting *Plaine v. McCabe*,  
5 797 F.2d 713, 719 (9<sup>th</sup> Cir. 1986). When evaluating whether the state agency  
6 adjudication rises to this level, the Court considers requirements of fairness outlined in  
7 *United States v. Utah Construction & Mining Co.*, 384 U.S. 394, 422 (1966). *Miller v.*  
8 *Cnty. of Santa Cruz*, 39 F.3d 1030, 1032 (9<sup>th</sup> Cir. 1994).

9 The fairness requirements are: (1) whether the administrative agency acted in a  
10 judicial capacity; (2) whether the agency resolved disputed issues of fact that were  
11 properly before it; and (3) whether the parties’ opportunity to litigate in the administrative  
12 tribunal was adequate. *Miller*, at 1033. The federal court does not analyze the state law  
13 of collateral estoppel until the Court decides the threshold inquiry of whether the  
14 procedural safeguards were sufficient. *Jamgotchian v. Ferraro*, at 1154-1155.

15 If a state administrative agency lacks jurisdiction to consider particular claims,  
16 then the federal court will deny preclusive effect as to those claims. *Id.*; *Miller v. Cnty. of*  
17 *Santa Cruz*, 39 F.3d 1030, 1038 (9<sup>th</sup> Cir. 1994). The exhaustion requirement of the  
18 IDEA does not apply to claims where relief sought in federal court is unavailable under  
19 the IDEA. *Perez v. Sturgis Public Schools*, 143 S.Ct. 859 (2023).

20 The Court denies the Defendant’s motion because the record is insufficient for  
21 the Court to evaluate whether the administrative tribunal that handled the hearing on  
22 behalf of the Washington State Office of the Superintendent of Public Instruction  
23 conducted the process in Plaintiff’s case with “safeguards to be equated with a state

court judgment.” *Jamgotchian v. Ferraro*, 93 F.4<sup>th</sup> 1150, 1154-1155 (9<sup>th</sup> Cir. 2024); *Miller v. Cnty. of Santa Cruz*, 39 F.3d 1030, 1038 (9<sup>th</sup> Cir. 1994). For the Court to consider the fairness requirements, the Court needs to review: (1) whether the administrative agency acted in a judicial capacity; (2) whether the agency resolved disputed issues of fact that were properly before it; and (3) whether the parties’ opportunity to litigate in the administrative tribunal was adequate. *Miller*, at 1033.

To perform this review as required by Ninth Circuit precedent in *Jamgotchian*, and *Miller*, the Court would need to consider the full record of proceedings of the administrative tribunal, and the party making the motion would need to show the state administrative tribunal met the three-part requirement of safeguards to be equated with a state court judgment. Only after the threshold inquiry, if the Court decides that the administrative process provided safeguards that meet the three-part fairness requirements, then the Court would review state law of collateral estoppel and determine whether collateral estoppel would apply to specific facts relating to claims raised in Plaintiff’s complaint.

Here, is unclear whether the ALJ had, or did not have, jurisdiction to decide each of the claims now raised in federal court. See *Perez v. Sturgis Public Schools*, 143 S.Ct. 859, 864-865 (2023); *Hawai‘i Disability Rights Center v. Kishimoto*, 122 F.4<sup>th</sup> 353, 363-371 (9<sup>th</sup> Cir. 2024); *Jamgotchian v. Ferraro*. Because the record is insufficient, the Court cannot make any ruling on whether the three-part fairness requirements are met, and if so, whether collateral estoppel should be applied.

1 CONCLUSION

2 For the reasons discussed above, OSD's motion to preclude Ms. Raiford from  
3 relitigating Findings of Fact #1-86 and the incorporated Credibility Findings #1-29 of the  
4 ALJ's order is DENIED without prejudice.

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6 Dated this 30th day of December, 2024.

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10 Theresa L. Fricke  
United States Magistrate Judge

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